

**Seth Thomas Division, General Time Corporation  
and Communications Workers of America,  
AFL-CIO, Petitioner**

**Seth Thomas Division, General Time Corporation,  
and Communications Workers of America,  
AFL-CIO. Cases 1-RC-17425 and 1-RM-1125**

July 6, 1982

# **DECISION AND CERTIFICATION OF REPRESENTATIVE**

**BY MEMBERS FANNING, JENKINS, AND  
ZIMMERMAN**

Pursuant to authority granted it under Section 3(b) of the National Labor Relations Act, as amended, a three-member panel has considered the Employer's objections to an election held on October 2, 1981,<sup>1</sup> and the Regional Director's report recommending disposition of same.<sup>2</sup> The Board has

<sup>1</sup> The election was conducted pursuant to a Stipulation for Certification Upon Consent Election. The tally was: 45 for, and 36 against, the Union; there were 3 challenged ballots, an insufficient number to affect the results.

<sup>2</sup> The Employer moves to include in the record affidavits which it submitted originally to the Regional Director and subsequently appended to its brief in support of its exceptions to the Regional Director's Report on Objections. The affidavits were not accepted by the Executive Secretary when the brief was filed because the Employer refused to serve them on the other party to the proceeding as required by Sec. 102.69(c) of the Board's Rules and Regulations, Series 8, as amended. Sec. 102.69(g)(3) provides that a party may submit affidavits not included in the record by appending them to a brief; however, that provision does not void the requirement of Sec. 102.69(c). Any material before the Board must be

reviewed the record in light of the Employer's exceptions<sup>3</sup> and brief and hereby adopts the Regional Director's findings and recommendations.<sup>4</sup>

## **CERTIFICATION OF REPRESENTATIVE**

It is hereby certified that a majority of the valid ballots have been cast for Communications Workers of America, AFL-CIO, and that, pursuant to Section 9(a) of the National Labor Relations Act, as amended, the said labor organization is the exclusive representative of all the employees in the following appropriate unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other terms and conditions of employment:

All full-time and regular part-time production and maintenance employees employed by the Employer at its Boscawen, New Hampshire, location, but excluding part-time employees who work less than 20 hours per week, superintendents, managerial employees, foremen, engineers, office clerical, confidential employees, guards and supervisors as defined in the Act.

served on all parties before it will be considered. Accordingly, the Employer's motion is denied.

<sup>3</sup> In the absence of exceptions, we adopt, *pro forma*, the Regional Director's approval of the Employer's request that Objections 1(d), (e), (f), (g), (h), (i), and 4 be withdrawn.

<sup>4</sup> We find that the Employer's exceptions to the Regional Director's report raise no material or substantial issues of fact or law which warrant reversal of the Regional Director's findings or require a hearing.